

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

STATE OF MISSOURI, ex rel. Attorney)	
General Eric S. Schmitt,)	
)	
Plaintiff,)	
)	
v.)	No. 2:20-CV-04018-NKL
)	
UNITED STATES DEPARTMENT OF THE)	
INTERIOR–BUREAU OF RECLAMATION,)	
<i>et al.</i> ,)	
)	
Defendants.)	

PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT

The State of Missouri (“Plaintiff”), pursuant to Fed. R. Civ. P. Rule 56, and for the reasons set forth more fully in the accompanying suggestions in support of this motion for summary judgment, hereby moves this Court for summary judgment in their favor on each of Missouri’s counts and against Defendants for the following reasons:

1. Defendants violated NEPA in failing to create an Environmental Impact Statement.
2. Defendants violated NEPA by failing to take the requisite hard look at mitigation measures, as well as analyze the measures’ effectiveness and support with substantial evidence.
3. Defendants violated NEPA by failing to take the requisite hard look at adverse impacts attributed to the Central ND Project, including direct, indirect, and

cumulative impacts; out-of-basin transfers of water; and downstream impacts to other states, including the State of Missouri.

4. Defendants violated NEPA by failing to include an appropriate suite of alternatives to the Central ND Project's analysis in conducting the EA and FONSI.

5. Defendants violated the Water Supply Act of 1958 by failing to reallocate water supply for municipal and industrial uses prior to committing that water supply and by failing to obtain Congressional approval.

WHEREFORE, Plaintiff respectfully requests that this Court enter an order, sustaining this motion and entering summary judgment in its favor and for such further and other relief as this Court deems just and proper.

Respectfully submitted,

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Missouri Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of January, 2021, a true and correct copy of the above and foregoing document was filed via the Court's electronic filing system which sent notice to all counsel of record.

/s/ Amber L. Krisp
Amber L. Krisp
Assistant Attorney General